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SUBJECT: S/WCI AMBASSADOR WILLIAMSON'S MEETING WITH A/S
EQUIVALENT FOR INTERNATIONAL ORGANIZATIONS MARC GIACOMINI

Classified By: Pol M/C Josiah Rosenblatt for Reasons 1.4 (b) and (d)

11. (C) SUMMARY: On January 7, Ambassador Williamson met with acting A/S-equivalent for international organizations Marc Giacomini and Christian Bernier, Special Assistant for international tribunals, to discuss various war crimes issues, particularly the International Criminal Court (ICC) and residual issues of the Yugoslavia and Rwanda Tribunals. Regarding the ICC, the French noted their concern with the current debate in the Assembly of States Parties regarding the Crime of Aggression, and discussed with Ambassador Williamson possible mechanisms for cooperation in influencing this debate. All agreed on the need to better manage the increasing costs of the courts. END SUMMARY.

INTERNATIONAL CRIMINAL COURT

12. (C) Ambassador Williamson began by noting that the USG has recently made efforts to reach a 'modus vivendi' with its European allies on the ICC, and with the ICC itself. He highlighted the fact that the U.S. did not block the Darfur referral by the Security Council and supported holding the Charles Taylor prosecution on ICC premises. Giacomini thanked Williamson for U.S. efforts, and asked whether the U.S. could help influence the debate in the Assembly of States Parties (ASP) on the Crime of Aggression. Williamson explained that, because the U.S. is not a member of the Assembly of State Parties, it is difficult for the U.S. to address such issues within the ASP. He noted further that the U.S. has participated in informal P-5 discussions and will continue to do so, but it would be difficult for the U.S. to engage in the ASP after two years of debate. Giacomini acknowledged the difficulties of the U.S. entering into ASP discussions at this late date but said that the U.S. could play a positive role in engaging governments who are in the ASP, at a political level, to express our misgivings about adoption of the Crime of Aggression. His view was that many governments have approached this as an academic legal question and have given "experts" in this field wide latitude to negotiate, perhaps without recognizing the political ramifications of the ICC adopting this provision. Giacomini suggested that, at an appropriate time, it also might be helpful for the P-5 to make a statement on the Crime of Aggression. Williamson reiterated that the U.S. shares France's concerns about the substantive debate on the Crime of Aggression, and is open to UK and French ideas on how we can be helpful.

LEBANON

13. (C) Ambassador Williamson noted that security has been a

serious concern in the organization of the Lebanon tribunal; however, an agreement has been reached to hold the trial in the former Dutch intelligence headquarters. The French agreed that it is difficult to combine substantive functions of the ICC and the Lebanon tribunal, but wondered if a separate jail was also needed for the trial or if the ICC facility could be used. They urged the U.S. to keep an open mind and consider this and other measures that could potentially save costs. Giacomini questioned Williamson about using an ICC audience chamber, adding that "the UN always proposed the costlier solution." Ambassador Williamson responded that a secure audience chamber would be expensive and noted that the financial obligation for the Lebanon Tribunal is exceptionally high. The French questioned Williamson over the possibility that, to cut costs, the infrastructure currently in place in The Hague could be used for the Lebanon Tribunal. Williamson noted that the U.S. is currently paying over \$100 million per year to support various courts around the world and would like to reduce costs, but that higher security concerns surrounding the Lebanon Tribunal may make cost-savings difficult. The French noted, that, like the U.S., they are waiting on a response from the Dutch as to how to deal with security for the judges following the conclusion of the Tribunal. France believes it makes the most sense to settle the judges in the Netherlands, but if the Dutch refuse, the GOF will consider hosting them in France.

ICTY and ICTR

15. (C) Ambassador Williamson noted that many residual issues must be resolved prior to the conclusions of trials and appeals at the Yugoslavia and Rwanda Tribunals. The

joint ICTY/R paper on residual and legacy issues, presented to the UN Security Council Tribunal Working Group, helped shape the initial debate but more specific information (e.g. costs, staffing) is now needed. The GOF reiterated the possibility of facility-sharing with the ICC (as a cost-saving measure), and Giacomini inquired whether ICC judges could be used for non-core judicial functions. Ambassador Williamson also brought up the issue of the archives of the Rwanda and Yugoslavia Tribunals. He acknowledged that Croatia, as a new member of the UNSC and a country under the jurisdiction of the ICTY, will play an important role in the Security Council Working Group. Giacomini described France's relations with Croatia as good and said the GOF would be willing to help push Croatia in the right direction. Williamson also noted that arrangements must be made to ensure that no fugitives escape justice. One of the biggest issues remaining for the Rwanda Tribunal is enabling the Tribunal to transfer cases to domestic jurisdictions, particularly Rwanda. The U.S. is working to enhance Rwanda's judicial system but the decision to transfer ultimately resides with the ICTR. Bernier noted that France does not have diplomatic relations with Rwanda and will be hard pressed to push them on the any issues, but added that judicial cooperation is good.

SIERRA LEONE

16. (C) Ambassador Williamson highlighted the extensive problems facing the Special Court for Sierra Leone (SCSL), while noting that the Charles Taylor process seemed to be going reasonably well due to the trial's high profile as well as its location in the Hague. Ambassador Williamson described U.S. concerns over inefficiency at the Special Court for Sierra Leone. Williamson said that conflict between the Deputy Registrar Binta Mansaray and President George Gelaga King has made the situation difficult. The Sierra Leonian government recognizes there are problems with Justice King and is waiting for his departure from office in June. The French reiterated their support for the Tribunal and said they will renew their contribution of 500,000 euros. The French inquired about what the U.S. has done to improve

SCSL efficiency. Williamson responded that the court created a management committee to review operations, but acknowledged that there has frequently been resistance from within the court when the committee has tried to exercise its authority.

The management committee is expected in Freetown in February, and the U.S. hopes for a more assertive approach among its members - something that may be facilitated now that the Sierra Leonian government has recognized the extent of problems in the SCSL.

CAMBODIA

¶17. (C) Ambassador Williamson reported there have been recent improvements related to the Khmer Rouge Tribunal (KRT) including several arrests that have bolstered confidence in the court. Citizens and court staff are encouraged by the arrests and the court appears to be willing to deal with complaints about corruption. Cambodian officials recognize there is a substantial international scrutiny over the court. Ambassador Williamson added that he intends to meet with members of the U.S. Congress to discuss funding for the court to report on developments. He is hopeful that the UN will appoint a Special Advisor to help continue to resolve the problems at the KRT.

HISSENE HABRE

¶18. (C) Ambassador Williamson admitted that the U.S. was shocked by the initial Senegalese request for 65 million euro to try Hissene Habre. The USG looks forward to seeing the report of the EU mission examining the prospects for establishing such a trial. Williamson noted the USG favors such a trial and would contribute funding by reassigned funds from other accounts. Williamson underscored the importance that this trial succeed because it represents the first time African leaders have supported a trial of a former head of government. The French did not know to what extent they could help fund the trial, and are also awaiting the mission results, as well as funding announcements from the EU and UNDP.

¶19. (U) This cable has been cleared by Ambassador Williamson.

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PEKALA